



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 287**

Hearing Date: January 23, 2007

Committee On: Transportation and Telecommunications

Introducer(s): (Transportation and Telecommunications Committee)

Title: Change vehicle titling and registration provisions

Roll Call Vote – Final Committee Action:

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

Vote Results:

7	Yes	Senators Stuthman, Schimek, Fischer, Louden, Pedersen, Aguilar, Lautenbaugh
	No	
	Present, not voting	
1	Absent	Senator Hudkins

Proponents:

Dusty Vaughan, Legal Counsel, Introducer

Beverly Neth

Representing:

Transportation & Telecommunications Committee

Department of Motor Vehicles

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 287 makes substantive changes to the motor vehicle titling and registration process.

Section 1 adds an internal reference.

Section 2 adds an internal reference.

Section 3 amends § 60-117 to make the historical vehicle statutes consistent. It clarifies that an historical vehicle is a motor vehicle or trailer that is thirty or more years old. This change

harmonizes the historical vehicle definition in the law consistent with the provisions of § 60-3,130 that require a vehicle to be thirty years old to be eligible for historical vehicle registration.

Section 4 includes a new definition for low speed vehicle. This is intended to capture vehicle types meeting the new definition that cannot be titled or registered for operation on the highways. These are not motor vehicles as defined in §§ 60-123 and 60-339. (See also Sections 5, 22, and 23. The definition follows federal law found at 49 CFR 571.

Section 5 amends § 60-123 by inserting low speed vehicles as an exception to a defined motor vehicle.

Section 6 amends § 60-134 and the definition of truck to include designation as a truck by the manufacturer. Manufacturers are not consistent about the labels they put on the manufacturer's statement of origin identifying the vehicle types. Two similar vehicles (i.e. a Ford Explorer and a Chevy Avalanche) are identified differently by the manufacturers.

Section 7 adds a new definition for vehicle identification number, also referred to as a VIN to mean a series of English letters or Arabic or Roman numerals assigned to a vehicle for identification purposes.

Section 8 amends § 60-137 to exempt low speed vehicles from the requirements of the Certificate of Title act.

Section 9 amends § 60-145 by adding limousine to make it clear that these motor vehicles fit in the same title category as taxis since they are vehicles that have similar uses.

Section 10 amends § 60-146 by inserting new language that states no identification inspection shall be conducted unless all major component parts are properly attached to the vehicle in the correct location. The section also authorizes the designated government official to request an identification inspection of a vehicle to determine if it meets the definition of a motor vehicle.

Section 11 amends § 60-152 to eliminate obsolete language referring to refiling of a title. The Vehicle Title and Registration system (VTR) retains title information and makes this unnecessary.

Section 12 amends § 60-153 by inserting new language to codify long-standing practice that titles are not accepted if altered. A certificate of title shall include the words "void if altered." The language also specifies that an altered title will be treated as a mutilated title.

Section 13 amends § 60-164 to clarify that the department, county clerk or designated county official may recall any title for notation of another lien.

Section 14 amends § 60-166 by deleting language that requires titles to be issued in a specific county. The VTR system allows for motor vehicle title information availability in all counties.

Section 15 amends § 60-168 by replacing the word destroyed with the word mutilated. Mutilated title is the correct "term of art" used to refer to titles that are not usable because of an

alteration or destruction. The section also provides for issuance of a duplicate title when a title is lost or mutilated.

Section 16 adds new language that authorizes the department to recall a title upon failure to note a lien or brand upon issuance of the title. The titleholder has fifteen days to turn the title to the county clerk or official for correction. It allows the department to cancel a title if the titleholder does not return the title for correction. This section applies to recall of titles that were not correctly issued.

Section 17 amends § 60-173 to give all owners thirty days to obtain a salvage title, regardless of the type of vehicle involved. The amendment resolves a difference between the salvage laws governing motor vehicles, as opposed to ATVs and minibikes. Currently the law requires the owner of an ATV or minibike to obtain a salvage title in ten days, but a motor vehicle owner has thirty days.

Section 18 adds an internal reference.

Section 19 adds an internal reference.

Section 20 amends § 60-325 to clarify that a sport utility vehicle is eligible to be registered as a farm truck. There is also a correction of language that replaces the word service with services.

Section 21 amends § 60-333 by inserting into the definition of historical vehicle a vehicle or trailer which is thirty or more years old. This is the same change as in section 3 above, and is done to harmonize the statutes.

Section 22 adds a new definition of low-speed vehicle. This new section is the same as section 4 above defining low speed vehicle, except applies to the Registration Act instead of the Certificate of Title act.

Section 23 amends § 60-339 by making the same changes as in section 4, 5, and 22, reflecting that low speed vehicles are not a motor vehicle by definition. In addition, an amendment also corrects an internal reference that was missed during recodification.

Section 24 amends § 60-345 by changing the definition of passenger vehicle to clarify that an SUV may be registered with regular passenger car plates as described in § 60-3,104(21).

Section 25 adds a new definition of sport utility vehicle for the Motor Vehicle Registration Act.

Section 26 amends § 60-395 to provide for refunds of unused motor vehicle taxes and registration fees upon transfer of ownership, loss of possession because of fire, theft, dismantlement, or junking, when a salvage branded certificate of title is issued, when a legislative act declares a type or class of vehicle or trailer illegal, upon a trade-in or surrender under a lease, or in case of a change in the situs of the motor vehicle. Currently there is one refund statute for taxes and another one for registration fees. This section joins the two statutes dealing with refunds into one for clarification purposes.

Section 27 amends § 60-397 by increasing the time an owner has to file an application for credit for unused taxes and fees from thirty days to sixty following a settlement for a total loss salvage vehicle and also allows a refund to be issued. The vehicle owner will have the choice of requesting a refund or applying a credit for unused fees and taxes to another vehicle. The section also strikes a requirement that the State Treasurer determine the amount of credit as this is really accomplished through the VTR system

Section 28 amends § 60-3,104 by inserting defined terms of the Registration Act where needed in the list of plates and clarifies awkward language in the description of apportionable vehicle plates.

Section 29 amends § 60-3,107 to require the description of tax exempt license plates so the statute matches the language that is on the plate. The requirement is also removed that the words tax exempt be at the bottom of the plate so plate design is less restrictive.

Section 30 amends § 60-3,118 to extend issuance of personalized message plates to trailers, semi-trailers, and trucks over ten tons registered at the county level.

Section 31 amends § 60-3,122 to allow a person from another state that owns a motor vehicle or trailer required to be registered in Nebraska to obtain Pearl Harbor specialty plates so long as other qualifications are met. The section also extends the issuance of Pearl Harbor Plates to semi-trailers and cabin trailers registered at the county level, but not motor vehicles and trailers registered as part of a fleet of apportionable vehicles.

Section 32 amends § 60-3,123 to allow a person from another state that owns a motor vehicle or trailer required to be registered in Nebraska to obtain Prisoner of War specialty plates so long as other qualifications are met. The section also extends the issuance of Prisoner of War plates to semi-trailers and cabin trailers registered at the county level, but not motor vehicles and trailers registered as part of a fleet of apportionable vehicles.

Section 33 amends § 60-3,124 to allow a person from another state that owns a motor vehicle or trailer required to be registered in Nebraska to obtain Disabled Veteran specialty plates so long as other qualifications are met. The section also extends the issuance of Disabled Veteran plates to semi-trailers and cabin trailers registered at the county level, but not motor vehicles and trailers registered as part of a fleet of apportionable vehicles.

Section 34 amends § 60-3,125 to allow a person from another state that owns a motor vehicle or trailer required to be registered in Nebraska to obtain Purple Heart specialty plates so long as other qualifications are met. The section also extends the issuance of Purple Heart plates to semi-trailers and cabin trailers registered at the county level, but not motor vehicles and trailers registered as part of a fleet of apportionable vehicles.

Section 35 amends § 60-3,126 to allow a person from another state that owns a motor vehicle or trailer required to be registered in Nebraska to obtain Amateur Radio specialty plates so long as other qualifications are met. The section also extends the issuance of Amateur Radio plates to semi-trailers and cabin trailers registered at the county level, but not motor vehicles and trailers registered as part of a fleet of apportionable vehicles.

Section 36 amends § 60-3,128 to allow a person from another state that owns a motor vehicle or trailer required to be registered in Nebraska to obtain Cornhusker Spirit specialty plates so long as other qualifications are met. The section also extends the issuance of Cornhusker Spirit plates to semi-trailers and cabin trailers registered at the county level, but not motor vehicles and trailers registered as part of a fleet of apportionable vehicles.

Section 37 amends § 60-3,130.04 to clarify that specialty plates and message plates may not be used for purposes of historical vehicle registration. Historical vehicle plates are permanent issue. Using numbered specialty plates for historical vehicle registration will lead to duplication of plate numbers for various plate types and there could also be duplicate messages on an old plate and a currently issued message plate.

Section 38 amends § 60-3,141 to make it clear that collection of motor vehicle taxes and registration fees by county treasurers or officials also applies to motor vehicle fees. The change simply reflects the actual practice. Additional language also clarifies the correct deposit of the various fees and taxes to the Motor Vehicle Fee Fund and the Highway Trust Fund.

Section 39 amends § 60-3,145 by referring to commercial “motor vehicles” and changing commercial “truck” to “motor vehicle.” This is done to make vehicle references consistent throughout the Certificate of Title and Motor Vehicle Registration Acts.

Section 40 amends § 60-3,147 by replacing some vehicle references with defined terms from the Registration Act so that vehicle references are consistent throughout the Certificate of Title and Motor Vehicle Registration Acts. Subsection (5)(c) is added to make it clear that a registrant, who opts to pay in half years, must pay the whole year of fees before the vehicle can be registered the following year.

Section 41 amends § 60-3,150 by replacing some vehicle references with defined terms from the Registration Act so that vehicle references are consistent throughout the Certificate of Title and Motor Vehicle Registration Acts.

Section 42 amends § 60-3,184 to harmonize provisions due to § 60-3,191 being outright repealed.

Section 43 amends § 60-3,186 to eliminate an obsolete requirement for a prenumbered form.

Section 44 amends § 60-3,188 to require the department to determine vehicle identification numbers using commercially available electronic information. This change is made to reflect that vehicle identification numbers are used to determine vehicle type for purposes of valuation. Obsolete language is deleted requiring the department to send a copy of the valuation information to the counties. This process is now completed electronically through the VTR system.

Section 45 amends § 60-3,190 to eliminate an obsolete requirement for a prenumbered form.

Section 46 repeals original sections.

Section 47 outright repeals §§ 60-157 and 60-3,191.

Explanation of amendments, if any:

Senator Deb Fischer, Chairperson